

132019

RESOLUTION NO. 05-119

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING IMPROVING A FRONTAGE ROAD ALONG THE SOUTH SIDE OF KELLOGG AVENUE FROM THE WEST LINE OF PIZZA HUT SECOND ADDITION TO APPROXIMATELY 250 FEET EAST OF THE EAST LINE OF PIZZA HUT SECOND ADDITION (SOUTH OF KELLOGG, WEST OF GREENWICH) 472-84141 IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF IMPROVING A FRONTAGE ROAD ALONG THE SOUTH SIDE OF KELLOGG AVENUE FROM THE WEST LINE OF PIZZA HUT SECOND ADDITION TO APPROXIMATELY 250 FEET EAST OF THE EAST LINE OF PIZZA HUT SECOND ADDITION (SOUTH OF KELLOGG, WEST OF GREENWICH) 472-84141 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to improve a Frontage Road Along the south side of Kellogg Avenue from the west line of Pizza Hut Second Addition to approximately 250 feet east of the east line of Pizza Hut Second Addition (South of Kellogg, West of Greenwich) 472-84141.

Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be One Hundred Twenty five Thousand Dollars (\$125,000) exclusive of the cost of interest on borrowed money, with 67 percent of eligible project costs to be paid by state corridor management funding and the remainder payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after June 1, 2004, exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

TRACT 1: That portion of Lot 1, Block A, Pizza Hut Second Addition to Wichita, Sedgwick County, Kansas, described as follows: Beginning at the Northeast Corner of said Lot 1; thence on a Kansas South Zone Grid Bearing of S00°50'47"E along the East line of said Lot 1, 1255.70 feet to the Southeast Corner of said Lot 1; thence S88°50'26"W along the South line of said Lot 1, 270.06 feet; thence N00°50'19"W, 275.36 feet; thence N34°37'08"W, 382.98 feet; thence S53°56'30"W, 73.49 feet; thence N72°49'54"W, 200.03 feet; thence S89°10'14"W, 95.59 feet, to a point on the West line of said Lot 1; thence N00°49'54"W along the West line of said Lot 1, 641.29 feet, to the Northwest Corner of said Lot 1; thence N88°58'10"E along the North line of said Lot 1, 828.60 feet, to the Point of Beginning; EXCEPT the North 128 feet thereof as dedicated for street right-of-way on Film 1809, Page 1279.

K.T. WIEDEMANN BUSINESS PARK ADDITION

Tract 2: Lot 1, Block 1;

Tract 3: Lot 2, Block 1;

Tract 4: Lot 1, Block 1; A replat of part of K.T.
Wiedemann Business Park Addition;

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a fractional basis:

Tract 1; within Pizza Hut Second Addition shall pay 7730/10000 of the total cost payable by the improvement district. Tract 2 within K.T. Wiedemann Business Park Addition shall pay 553/10000 of the total cost payable by the improvement district. Tract 3; within K.T. Wiedemann Business Park Addition shall pay 338/10000 of the total cost payable by the improvement district. Tract 4; within a replat of part of K.T. Wiedemann Business Park Addition shall pay 1379/10000 of the total cost payable by the improvement district.

Except when driveways are requested to serve a particular tract, lot, or parcel and shall be in addition to the assessment for other improvements. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq. as amended.

SECTION 8. Be it further resolved that the above-described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, March 8, 2005.

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)